

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                                     |   |                |
|-------------------------------------|---|----------------|
| KATHLEEN KUHNS;                     | ) |                |
| JOYCE MAZALEWSKI; and               | ) | Civil Action   |
| KATHLEEN TEAY,                      | ) | No. 08-cv-2606 |
|                                     | ) |                |
| Plaintiffs                          | ) |                |
|                                     | ) |                |
| vs.                                 | ) |                |
|                                     | ) |                |
| CITY OF ALLENTOWN;                  | ) |                |
| CHIEF OF POLICE ROGER MacLEAN,      | ) |                |
| both individually and in his        | ) |                |
| official capacity;                  | ) |                |
| ALLENTOWN WOMEN'S CENTER, INC.; and | ) |                |
| JENNIFER BOULANGER,                 | ) |                |
|                                     | ) |                |
| Defendants                          | ) |                |

O R D E R

NOW, this 31<sup>st</sup> day of March, 2009, upon consideration of the following documents:

- (1) Motion to Dismiss of Defendants Allentown Women's Center and Jennifer Boulanger filed July 24, 2008;
- (2) Memorandum of Law in Support of Motion of Defendants Allentown Women's Center and Jennifer Boulanger to Dismiss the Complaint, which memorandum was filed July 24, 2008;
- (3) Plaintiffs' Brief in Opposition to Fed.R.Civ.P. 12(b)(6) Motion to Dismiss by Defendants Allentown Women's Center and Jennifer Boulanger, which brief was filed August 28, 2008; and

(4) Complaint for Injunctive Relief and Damages filed  
by plaintiffs June 4, 2008;

and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that the Motion to Dismiss of Defendants  
Allentown Women's Center and Jennifer Boulanger is granted in  
part and denied in part.

IT IS FURTHER ORDERED that Count II and Count III of  
plaintiffs' Complaint for Injunctive Relief and Damages are  
dismissed in their entirety.<sup>1</sup>

IT IS FURTHER ORDERED that in all other respects the  
Motion to Dismiss of Defendants Allentown Women's Center and  
Jennifer Boulanger is denied.

IT IS FURTHER ORDERED that defendants Allentown Women's  
Center, Inc. and Jennifer Boulanger shall have until April 24,  
2009 to answer plaintiff's Complaint.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge

---

<sup>1</sup> Defendants City of Allentown and Allentown Chief of Police Roger MacLean did not file motions to dismiss or responses to the motion to dismiss of co-defendants Allentown Women's Center, Inc. and Jennifer Boulanger. However, district courts may dismiss claims that do not state causes of action sua sponte. Bintliff-Ritchie v. American Reinsurance Company, 285 Fed.Appx. 940, 943 (3d Cir. 2008); Bryson v. Brand Insulations, Inc., 621 F.2d 556, 559 (3d Cir. 1980). For the reasons articulated in the accompanying Opinion, Counts II and III of plaintiffs' Complaint fail to state claims upon which relief can be granted against any defendant. Accordingly, I dismiss Counts II and III in their entirety.